IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO : 24697 of 2004

Between:

1 M. Krishnaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
2 M. Ramachandraiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
3 M. Janakiramaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
4 M. Desaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
5 M. Narayanaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
6 M. Rangaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
7 M. Laila, W/o. Nagaraja,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
8 K. Nagaratanam, S/o. Chengaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
9 M. Chengaiah, S/o. Rangaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
10 M. Ramachandraiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
11 M. Parvathamma, W/o. Ramaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
12 M. Munikrishnaiah, S/o. Ramaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
13 M. Adilakshmi, W/o. Krishnaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
14 M. Chengiah, S/o. Desaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
15 K. Siddaiah, S/o. Jayaramaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
16 K. Padmavathamma, W/o. Nagaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.

17 K. Muniswamy, S/o. Jayramaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
18 T. Shankar, S/o. Chinnabba,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
19 P. Lakshmaiah, S/o. Chengaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
20 T. Srinivasulu, S/o. Venkataiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
21 G. Gangamma, W/o. Pottaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
22 P. Munikrishnaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
23 P. Sumathi, W/o. Rangaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
24 G. Gangamandadi, S/o. Pottaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
25 M. Eswaraiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
26 A. Gopalam, S/o. Chengaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
27 M. Govardhan, S/o. Ramachandraiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
28 M. Chandrababu, S/o. Ramachandraiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
29 M. Lavandra Kumar, S/o. Rangaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
30 T. Padmavathamma, W/o. Krishnaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
31 M. Rangaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
32 M. Hemalatha, D/o. Narayana,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
33 M. Krishnaiah, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
34 M. Venkataramana, S/o. Krishnaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.
35 M. Narayana, S/o. Lakshmaiah,
R/o. Bhimavaram Village, Sri Kalahasthi (M), Chittoor District.

..... PETITIONERS

AND

1 The District Collector, Chittoor District, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Srikalahasthi (M), Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioners to vacate the lands respectively assigned in their favour and possessed by them in Sy.No.90 to 126 of Bhimavaram revenue village of Sri Kalahasthi Mandal of Chittoor District with a view to reassign to others is illegal, irregular and violative of Articles 14, 21 and 300-A of the Constitution of India and also Standing Order 15 of the A.P. Board of Revenue Standing Orders and consequently direct the respondents not to evict them there from nor to reassign the same to anybody.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in insisting the petitioners to vacate the lands assigned in their favour and possessed by them in Survey Nos. 90 to 126 of Bhimavaram revenue village of Sri Kalahasthi Mandal of Chittoor District with a view to re-assign the same to others as illegal and arbitrary and consequently to direct the respondents not to evict the petitioners there from nor to re-assign the same to third parties.

The petitioners claim to be in possession and enjoyment of lands in question. It is stated that D form pattas were granted in favour of petitioners 1 to 9 and in case of petitioners 10 to 35 though pattas were not granted their names were mutated in the revenue records as possessors and enjoyers of the lands in question respectively. The grievance of the petitioners is that the 3rd respondent-Mandal Revenue Officer without issuing any notice and without following the due process of law sent his officials to their lands in the second week of December 2004 with a direction to vacate from their respective holdings. Hence they filed the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission

stage.

Since the petitioners claim to be in possession of the subject land and allege that the respondents without following due process of law, are trying to evict them, I deem it appropriate to dispose of the writ petition with the following directions.

If the respondents intend to acquire private lands of individuals, they shall follow the procedure established by law and pay compensation to the individuals. If the land in question is a Government land, which is under encroachment, the respondents shall follow the procedure contemplated under the Land Encroachment Act for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondents have already followed the due process of law in the matter, they are at liberty to take steps to evict the petitioners from the land in question.

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(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Chittoor District, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.

3 The Mandal Revenue Officer, Srikalahasthi (M), Chittoor District.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.